

To whom it may concern,

RE: Our submission for the Committee's preparation of the List of Issues prior to reporting, sharing information on the implementation of the International Covenant on Civil and Political Rights in Malta.

Doctors for Choice (Malta) is a registered voluntary organisation in Malta (VO/1816) founded in 2019 with the mission of advocating for comprehensive sexual and reproductive healthcare that is safe, equitable and accessible. We would like to draw your attention to two important civil rights shortcomings in Malta that, in our view, merit inclusion in your List of Issues.

The first shortcoming is that the reproductive healthcare in Malta is severely limited by the country's total ban on abortion. Malta's criminal code states:

Article 241 (1) Whosoever, by any food, drink, medicine, or by violence, or by any other means whatsoever, shall cause the miscarriage of any woman with child, whether the woman be consenting or not, shall, on conviction, be liable to imprisonment for a term from eighteen months to three years.

Article 241 (2) The same punishment shall be awarded against any woman who shall procure her own miscarriage, or who shall have consented to the use of the means by which the miscarriage is procured.'

Article 243 Any physician, surgeon, obstetrician, or apothecary, who shall have knowingly prescribed or administered the means whereby the miscarriage is procured, shall, on conviction, be liable to imprisonment for a term from eighteen months to four years, and to perpetual interdiction from the exercise of his profession.'

There are no exceptions in the law to allow for termination of pregnancy in cases when the woman's physical or mental health are severely compromised by the pregnancy, in cases or pregnancy as a result of rape or incest, or in cases of fatal fetal anomalies that are incompatible with life. As a doctors' organisation we strongly believe that this limitation infringes on the ability of doctors in Malta to practice according to internationally agreed standards of good care in the field of reproductive healthcare, as instructed by august international bodies such as the Royal College of Obstetricians and Gynaecologists, and the World Health Organisation.

The prohibition of access to termination of pregnancy in cases of fatal fetal anomaly and pregnancy as a result of sexual crime has also been explicitly ruled incompatible with the European Convention on Human Rights by the UK Supreme Court in its 2018 judgement on the application by the Northern Ireland Human Rights Commission for Judicial Review (Northern Ireland). (Link to sentence: <https://www.supremecourt.uk/cases/docs/uksc-2017-0131-judgment.pdf>)

The second shortcoming is that those people in Malta who advocate for reform of abortion laws are frequently a target of harassment and threats, and we feel these are not being dealt with in the proper manner by the authorities. This article by a local news outlet this year sums the situation up quite well: <https://lovinmalta.com/opinion/reactions/padlock-your-pussy-and-give-your-rapist-a-condom-activist-shares-shocking-comments-threatening-maltese-pro-choice-activists/>

Doctors in Malta who advocate in favour of reproductive rights have also been the target of a slew of reports by local anti-choice organisations to various authorities. Of note, one such complaint has reached the Malta Medical Council and the case is still pending. The complainant in this particular case states that doctors in Malta should not be allowed to provide factual information on abortion, and we should be “disciplined” for repeating widely known information on abortion. We view this complaint as an attempt to censor information, in violation of the rights to expression and information as protected by Article 10 of the European Convention on Human Rights.

Thank you for taking the time to read our submission, and please do not hesitate to contact us if you require any clarification or further information.

Yours faithfully,



Dr Christopher Barbara MD, MRCPsych
President of the organisation Doctors for Choice (Malta)